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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,946	07/26/2001	Louis A. Duran	42390P11383	8807

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EXAMINER

ANYA, CHARLES E

ART UNIT PAPER NUMBER

2194

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,946

Applicant(s)

DURAN ET AL.

Examiner

Charles E. Anya

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/17/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-61 is/are rejected:
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 36-61 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 37-44, 48-54 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,548,759 to Lipe in view of U.S. Pat. No. 6,385,766 B1 to Doran et al.**

4. As to claim 37, Lipe teaches a method for loading files for operating a hardware device detected by an operating system of a computing system comprising: requesting user input for a location of one or more files for operating the hardware device ("...prompts the user..." Col. 20 Ln. 5 – 29); accessing a root directory of the location provided by the user to find one or more driver files for the hardware device (Col. 17 Ln. 51 – 55, Step 76 Col. 18 Ln. 55 – 67, Col. 20 Ln. 30 – 40); launching the installer for the hardware device (Master Installer Program 70 (Step 68) Col. 17 Ln. 44 – 48, Col. 19 Ln. 56 – 64); loading one or more of the driver files for the hardware device (Col. 13 Ln. 44 – 50); identifying the operating system (Operating System 40 Col. 15 Ln. 32 – 48);

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modifying a registry of the operating system to direct the operating system to a location of one or more additional files for operating the hardware device (Step 75 Col. 19 Ln. 1 – 41); preventing the operating system from rerequesting user input for a location of one or more files to operate the hardware device (Col. 13 Ln. 44 – 50, Col. 19 Ln. 1 – 41); accessing the one or more additional files for operating the hardware device using the modified registry; and loading the one or more additional files for operating the hardware device (Col. 19 Ln. 25 – 41, Col. 21 Ln. 20 – 25).

5. Lipe is silent with reference to redetecting the hardware device.

6. Doran teaches redetecting the hardware device (Step Col. 8 Ln. 1 – 6).

7. ~~It would have been obvious to one of ordinary skill in the art at the time the~~

invention was made to combine the teachings of Doran and Lipe because the teaching of Doran would have improve the system of Lipe by providing for generation of more robust software application package installs in a build to order manufacturing process and providing for faster factory install development, whereby one install is applicable for multiple platforms and languages (Doran Col. 5 Ln. 40 – 45).

8. As to claim 38, Lipe teaches the method of claim 37, wherein requesting user input for a location of one or more files for operating the hardware device comprises requesting user input for a location of a storage device containing one or more files for operating the hardware device (Step 81 Col. 20 Ln. 11 – 19).

9. As to claim 39, Lipe teaches the method of claim 38, wherein requesting user input for a location of a storage device containing one or more files for operating the hardware device comprises requesting user input for a location of a removable storage device containing one or more files for operating the hardware device (Step 81 Col. 20 Ln. 11 – 19).

10. As to claim 40, Lipe teaches the method of claim 37, wherein requesting user input for a location of one or more files for operating the hardware device comprises requesting user input for a network location containing one or more files for operating the hardware device ("...remote site..." Col. 14 Ln. 27 – 31).

11. As to claim 41, Lipe teaches the method of claim 37, wherein the hardware device is a Plug-and-play hardware device (Col. 13 Ln. 31 – 38).

12. As to claim 42, Lipe teaches the method of claim 41, wherein the Plug-and-play hardware device is a Plug-and-play network adapter (Col. 13 Ln. 31 – 38).

13. As to claim 43, Lipe teaches the method of claim 37, wherein the hardware device is a Personal Computer Memory Card International Association (PCMCIA) network adapter (Col. 13 Ln. 31 – 38).

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14. As to claim 44, Lipe teaches the method of claim 37, wherein the hardware device is a Peripheral Component Interconnect (PCI) network adapter (Col. 9 Ln. 61 – 63).

15. As to claim 48, Doran teaches the method of claim 37, wherein redetecting the hardware device comprises restarting the computing system (Step Col. 8 Ln. 1 – 6).

16. As to claims 49-54, see the rejection of claims 37-42 above.

17. As to claims 57 and 58, see the rejection of claims 43 and 44 above.

18. As to claim 59, Lipe teaches the article of manufacture of claim 49, wherein a machine accessible medium including content that when accessed by a machine causes the machine to perform operations comprising requesting user input for a location of one or more files for operating a hardware device detected by an operating system comprises a machine accessible medium comprising content that when accessed by a machine causes the machine to perform operations comprising requesting user input for a location of one or more files for operating a Plug-and-play hardware device detected by a Plug-and-play compliant operating system (Col. 13 Ln. 31 – 38, Col. 20 Ln. 11 – 40).

19. Claims 45,55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,548,759 to Lipe in view of U.S. Pat. No. 6,385,766 B1 to Doran et al. as applied to claim 37 above, and further in view of U.S. Pub. No. 2004/0230710 A1 to Goodman.

20. As to claim 45, Lipe as modified by Doran is silent with reference to the method of claim 37, wherein the hardware device is a Universal Serial Bus (USB) network adapter.

21. Goodman teaches the method of claim 37, wherein the hardware device is a Universal Serial Bus (USB) network adapter (page 2 paragraph 0019, page 3 paragraph 0030).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Goodman, Doran and Lipe because the teaching of Goodman would improve the system of Doran and Lipe by providing a system and method for connecting peripheral devices to computers, and/or enabling communication between one or more peripheral devices and a computer, without requiring of the additional step of manually providing the computer with a communications driver or user-installed software needed to enable the computer to communicate with the peripheral device (page 2 paragraph 0012).

23. As to claims 55 and 56, see the rejection of claim 45 above.

24. Claims 46,47,60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,548,759 to Lipe in view of U.S. Pat. No. 6,385,766 B1 to Doran et al. as applied to claim 37 above, and further in view of U.S. Pub. No. 2002/0002704 A1 to Davis et al.

25. As to claim 46, Lipe as modified Doran is silent with reference to the method of claim 37, wherein identifying the operating system comprises identifying a language of the operating system.

26. Davis teaches the method of claim 37, wherein identifying the operating system comprises identifying a language of the operating system (Abstract, page 6 paragraph 0040, page 7 paragraph 0046).

27. It would have been obvious to one of ordinary skill in the art the time the invention was made to combine the teachings of Davis, Doran and Lipe because the teaching of Davis would improve the system of Doran and Lipe by providing a system that installs an edition of software appropriate for execution on a particular processor type, suitable for use with a particular operating system and in a particular language by the system utilizing commands specific to an operating system and networking operating system type (Davis page 1 paragraph 0011).

28. As to claim 47, Davis teaches the method of claim 37, wherein identifying the operating system comprises identifying a version of the operating system (Abstract, page 6 paragraph 0040, page 7 paragraph 0046).

29. As to claims 60 and 61, see the rejection of claims 46 and 47 respectively.

Response to Arguments

30. Applicant's arguments with respect to claims 37-61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2194

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